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LOS ANGELES TIMES
17 November 1981

Pole Guilty in Spy Conspiracy

Convicted of Helping
Pass U.S. Defense Data

By CHARLES MAHER
Times Staff Writer

A man depicted by the government as a cunning Polish intelligence officer was convicted Monday of conspiring to have sensitive U.S. defense information passed to the Polish People's Republic.

A Los Angeles federal court jury deliberated two days before returning the verdict against Marian Zacharski, 30, who could be sent to prison for life.

Zacharski, former West Coast representative of the Polish American Machinery Corp., was found guilty of conspiring with a Hughes Aircraft Co. radar engineer to have film of national defense documents delivered to Polish agents at clandestine meetings in Europe.

Zacharski sat impassively as the verdict was read in the court of U.S. District Judge David V. Kenyon. A few minutes earlier, as the jury returned to court from its deliberation room, Zacharski turned and smiled at his attorney, Edward M. Stadum.

Stadum said the verdict will be appealed.

The government's case rested largely on the testimony of William Holden Bell, 61, a former Hughes engineer who met Zacharski in 1977 while they were neighbors at a Playa del Rey apartment complex.

Bell, who has pleaded guilty to espionage, testified that because he was financially strapped, he agreed to take Hughes documents. He said he was paid about \$95,000 for a variety of information—some of it secret—dealing with a sophisticated antitank weapon, a highly advanced radar system and other military hardware.

Assistant U.S. Atty. Robert Brewer Jr. had told the jury in final argument that the alleged conspiracy was aimed "at the foundation of our national defense" and had "awesome implications."

After the government called 48 witnesses, Stadum called none, resting the defense case without a word of testimony. He said in final argument that Bell offered the government cooperation in the hope that it would lighten his sentence, and that his testimony was unworthy of belief.

Perhaps the most damning evidence was a secret tape recording Bell said he made during a conversation with Zacharski last June. On the tape, a man identified by the government as Zacharski asked if Bell had enough film. When Bell said yes and asked if film used earlier had been "coming out OK," the second man replied, "Yeah, sure." Among other things, Bell asked whether he had already supplied some secret "F-15 data." The man alleged to be Zacharski responded, "Partially yes, only."

Bell made the tape with a recorder strapped to his back by FBI agents. He said he did it to back up the story he had told the FBI.

Stadum apparently had the tape in mind Monday when responding to a reporter who asked about "the most damaging thing" the government had against his client. "You know very well what it was," Stadum said. "It wasn't human."

In his final argument, Stadum had tried to portray Bell as a merchant of deception, a man who had admitted lying repeatedly in the past but who seemed to be telling the jury. "Now, however, I demand that you believe me."

But the jury evidently did believe Bell's story of having first supplied a number of Hughes documents to Zacharski and having then passed film of many more to Polish agents on four trips to Europe.

Zacharski is to be sentenced Dec. 14. The maximum penalty, though not necessarily the most likely, is life imprisonment.